

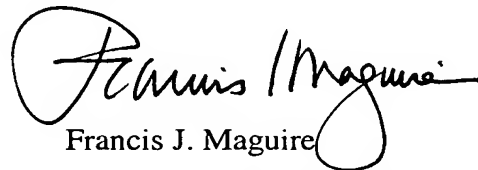
REMARKS

This letter is to respond to the Office Communication of April 30, 2009 in which the Examiner kindly considered the IDS mailed March 16, 2009 which crossed in the mail with the Notice of Allowance mailed March 23, 2009. The form PTO-1449 returned by the Examiner indicated consideration of each document except for publication WO 01/65377 because no translation was provided in the English language.

However, it is requested that the Examiner reconsider the IDS filed March 16, 2009 and consider the publication WO 01/65377 because an English abstract appears on the front page of that publication and there was no need for Applicant to submit a separate English abstract with the same content.

Applicant submits herewith a further PTO-1449 listing only WO 01/65377 for the Examiner's use in indicating consideration of WO 01/65377 which was cited in the three-page English translation of the Japanese Office Action dated June 24, 2008, previously provided in English which action explains the relevance of the cited documents as seen by the Japanese Examiner (see pages 2 and 3 of the English translation previously provided)..As such, the requirements of Rule 98 (see MPEP 609.04(A)III) have been complied with and the Examiner is obliged to consider WO 01/065377. A copy of the document WO 01/65377 is not enclosed as it was previously submitted with the IDS filed March 16, 2009.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Francis J. Maguire", enclosed within a large, loopy circular flourish.

Francis J. Maguire

Attorney for the Applicant

Registration No. 31,391

FJM/lk
Ware, Fressola, Van Der Sluys & Adolphson LLP
755 Main Street, P.O. Box 224
Monroe, CT 06468
(203) 261-1234